



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,907	05/30/2001	David Blight	035451-0122 (3605.Palm)	7557

26371 7590 05/27/2004
FOLEY & LARDNER
777 EAST WISCONSIN AVENUE
SUITE 3800
MILWAUKEE, WI 53202-5308

EXAMINER

SHARMA, SUJATHA R

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,907

Applicant(s)

BLIGHT, DAVID

Examiner

Sujatha Sharma

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6,11,17 recites the limitation "the estimated position" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Further claim, 6,11,17 are directed to sending a reply to the location service indicating an incorrect estimated position. However it is unclear how this determination is performed. In order to determine that the estimated position is incorrect, there is a need for a comparative element and the claims do not provide for this comparative element.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-5,7-10,12-16,18-24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parry [2002/0164997] in view of Aarnio [US 20030087650].

Regarding claims 1,7,12,18,24, Parry discloses a method of determining location of a mobile device comprising:

- gathering a list of addresses of nearby devices in communication with a network; see pages 3-4, paragraph 34
- accessing a database of known device; see pages 3-4, paragraph 34

Art Unit: 2684

- correlating the list of addresses with zone information of the database; see pages 3-4, paragraphs 34 and 37

However Parry does not disclose a method of sending a location request to location service accessible through the network accessed wirelessly by the mobile device.

Aarnio, in the same field of endeavor, teaches a method of sending a location request to location service accessible through the network accessed wirelessly by the mobile device. See page 2, paragraph 18.

Therefore it would have been obvious to one with ordinary skill in the art to provide the above teaching of Aarnio to Parry in order to provide the user with location dependent services.

Regarding claim 2, Parry further discloses a method of receiving from the location service an estimated position of the mobile device. See page 4, paragraph 37.

Regarding claims 3,8,13, Aarnio further discloses a method wherein the location information includes a text-based description. See page 2, paragraph 18.

Regarding claims 4,9,15, Parry discloses a method of providing an approximate position of the mobile device to the location service. See page 3, paragraph 34 and page 4, paragraph 37.

Regarding claims 5,10,16, Parry further discloses a method wherein the approximate position is determined by a global positioning system (GPS) device.

Art Unit: 2684

Regarding claim 14, Parry further discloses a method wherein the location estimation includes a graphical description of the mobile device location. See pages 3-4, paragraph 34.

Regarding claim 19, Parry further discloses the wireless device to include a bluetooth transceiver. See page 3, paragraph 28.

Regarding claim 20, Parry further discloses the wireless device to include an IEEE 802.11 transceiver. See page 3, paragraph 28.

Regarding claim 21, Parry discloses a method wherein the at least one other device includes a printer. See page 2, paragraph 26.

Regarding claim 22, Parry discloses a method wherein the at least one other device includes a computer. See page 2, paragraph 27.

Regarding claim 23, Parry discloses a method wherein the estimated position of the wireless device is provided on a graphical map. See Figs. 6,8 and page 4, paragraph 38.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaltoff [US 2001/0048364]

Remote-to-remote position locating system

Art Unit: 2684

Chen [US 2003/0117966] Network protocol for wireless devices utilizing location information


Roese [US 2003/0217137] Verified device locations in a data network

Muhonen [US 2003/0186710] Service provision in a communication network

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
May 11, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER